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FILED

A. DALLAM O'BRIEN, JR.

CLERK

#### UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF LOUISIANA

## NEW ORLEANS DIVISION

ROBERT HICKS, individually and on behalf of all others similarly situated,

CIVIL ACTION NO. 66-225

Plaintiff

DIVISION 8

V.

JESSE CUTRER, individually and in his capacity as Mayor and a Member of the Commission Council of Bogalusa, Louisiana; ARNOLD SPIERS, individually and in his capacity as Public Safety Commissioner and a Member of the Commission Council of Bogalusa; MARSHALL HOLLOWAY, JAMES K. TALBOT, ANDY OVERTON, individually and as Members of the Commission Council of Bogalusa; : and CLAXTON KNIGHT, individually and in his capacity as Police Chief of Bogalusa,

Defendants

# <u>A N S W E R</u>

Now into Court, through their undersigned counsel, comes defendants in the above entitled and numbered cause, and for answer to plaintiff's complaint, respectfully shows:

# FIRST DEFENSE

Defendants plead the Doctrine of Abstention, showing that this Honorable Court should abstain from an adjudication of the constitutionality or other merits of the municipal ordinances involved, pending authoritative interpretation of the ordinance FEE in the appropriate State Court or Courts. PROCESS

SEAL, LEE AND CRAIN Attorneys At Law 319 Memphis Street Bogalusa, Louisiana

CHARGE IMDEX ORDER

HEARING

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# SECOND DEFENSE

Defendants show that plaintiff's prayer for injunctive relief, and the allegations of the complaint relating thereto, failed to state a claim against the defendants, upon which the relief can be granted.

C.

# THIRD DEFENSE

Defendants deny all allegations of plaintiff's supplemental and amended complaints.

WHEREFORE, defendants pray for dismissal of plaintiff's suit at its costs and for such other relief as this Court may deem proper.

Respectfully submitted,

SEAL, LEE AND CRAIN Attorneys at Law 319 Memphis Street Bogalusa, Louisiana

BY: 1-6

Hillary J. Crain

ATTORNEYS FOR DEFENDANTS

ROBERT T. RÉSTER 311 First Avenue P. O. Box 1160

Bogalusa, Louisiana 70427

ATTORNEY FOR DEFENDANTS

SEAL, LEE AND CRAIN Attorneys At Law 319 Memphis Street Bogalusa, Louisiana

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing answer has been served on the plaintiff by personally handing a copy to opposing counsel at New Orleans, Louisiana, prior to filing the original herein.

New Orleans, Louisiana, this 26th day of July, 1967.

SEAL, LEE AND CRAIN Attorneys at Law 319 Memphis Street Bogalusa, Louisiana 70427

BV.

Hillary J. Crain

ATTORNEYS FOR DEFENDANTS

Robert T. Rester 311 First Avenue P. O. Box 1160

Bogalusa, Louisiana 70427

ATTORNEY FOR DEFENDANTS

SEAL, LEE AND CRAIN Attorneys At Law 319 Memphis Street Bogalusa, Louisiana